

**DECLARATION FOR NON-PROVISIONAL PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. beneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

CAPSULE MAGAZINE UNIT WITH A CAPSULE RETAINING MEMBER

and for which a patent application was filed in the United States on February 13, 2004 as Application No. 10/777,042.

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION			
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
20302410.9	Germany	February 13, 2003	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

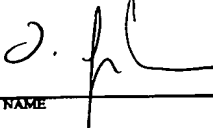
PROVISIONAL APPLICATION NUMBER	FILING DATE

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information known to me which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

NON-PROVISIONAL APPLICATION NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED

* for use only when the application is assigned to a company, partnership or other organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

2	FULL NAME OF INVENTOR	LAST NAME FISCHER	FIRST NAME Daniel	MIDDLE NAME	
0	RESIDENCE & CITIZENSHIP	CITY Romanshorn	STATE OR FOREIGN COUNTRY Switzerland	COUNTRY OF CITIZENSHIP Switzerland	
1	POST OFFICE ADDRESS	STREET Grundstrasse 15	CITY Romanshorn	STATE OR COUNTRY Switzerland	ZIP CODE 8590
		SIGNATURE OF INVENTOR 201 		DATE 13.4.2004	
2	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME	
0	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
2	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE
		SIGNATURE OF INVENTOR 202		DATE	
2	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME	
0	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
3	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE
		SIGNATURE OF INVENTOR 203		DATE	
2	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME	
0	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
4	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE
		SIGNATURE OF INVENTOR 204		DATE	
2	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME	
0	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
5	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE
		SIGNATURE OF INVENTOR 205		DATE	



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Daniel FISCHER

Confirmation No.:

Application No.: 10/777,042

Group Art Unit:

Filing Date: Concurrently herewith

Examiner:

For: CAPSULE MAGAZINE UNIT WITH A
CAPSULE RETAINING MEMBER

Attorney Docket No.: 88265-7647

**POWER OF ATTORNEY BY ASSIGNEE
AND EXCLUSION OF INVENTOR(S) UNDER 37 C.F.R. 3.71**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned assignee of the entire interest in the above-identified subject application hereby appoints Allan A. Fanucci (Reg. No. 30,256), Daniel J. Hulseberg (Reg. No. 36,554), and Jeffrey A. Wolfson (Reg. No. 42,234) of WINSTON & STRAWN LLP (Customer No. 28765) to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith.

Please direct all correspondence for this application to Customer No. 28765 to the attention of the Patent Department (telephone 202-371-5904, facsimile 202-371-5950).

An assignment of the entire interest in the above-identified subject application:

- ☒ is submitted herewith for recording and a copy is attached.
☐ was submitted for recordation on _____ and a copy is attached.
☐ was recorded on _____ at Reel _____, Frame _____.

The undersigned has reviewed this assignment and, to the best of her knowledge, title is in the assignee seeking to take action in this application and that she is empowered to act on its behalf.

ASSIGNEE: NESTEC S.A.

Signature:

Date of Signature:

23.02.04

Typed Name:

Paula Nelson

Position/Title:

Vice President

Address:

Avenue Nestlé 55

1800 Vevey, Switzerland

COPY

ASSIGNMENT

WHEREAS, each of

Daniel FISCHER, a citizen of Switzerland residing at Grundstrasse 15, 8590 Romanshorn, Switzerland.

ASSIGNOR, is an inventor of the invention in **CAPSULE MAGAZINE UNIT WITH A CAPSULE RETAINING MEMBER**, for which an application for a Patent of the United States, identified by Winston & Strawn LLP Docket No. 88265-7647:

- ☐ is executed on even date herewith.
☒ was filed on February 13, 2004 as Application No. 10/777,042.

WHEREAS, **NESTEC S.A.**, a Swiss having a place of business at Avenue Nestlé 55, 1800 Vevey, Switzerland, ASSIGNEE, is desirous of obtaining my entire right, title and interest in, to and under the said invention and the said application.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to each inventor in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, each ASSIGNOR has sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, their entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof;

And each ASSIGNOR hereby authorizes and requests the Commissioner of Patents and Trademarks of the United States, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument;

And each ASSIGNOR hereby covenants and agrees that they have the full right to convey the entire interest herein assigned, and that they have not executed, and will not execute, any agreement in conflict herewith;

And each ASSIGNOR hereby further covenants and agrees that they will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to them respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, and reissue applications, make all rightful

oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention;

And each ASSIGNOR hereby authorizes the ASSIGNEE's patent attorney to complete this form by the addition of the application number, application filing date, and attorney docket number, if necessary.

In witness whereof, each inventor has affixed their signature.

2 April 2004
Date

D. Fischer
Daniel FISCHER

STATE OF Switzerland)
COUNTY OF Romanshorn)

On this 2. day of April, 2004, before me, C. Eberle, personally appeared **Daniel FISCHER**, to me known and known to me to be the person of that name, who signed the foregoing instrument and acknowledged the same to be his/her free act and deed.

C. Eberle
Witness